

REMARKS

Claims 1, 3-7, 9-22, 24-36, 39-40 and 44 are pending in this patent application. Claims 1, 22 and 44 have been amended. Claims 2, 8, 18-19, 23, 37-38, 42-43 and 45-63 have been cancelled.

35 U.S.C. § 112 First Paragraph

Claims 18-19 and 37-38 and 42 have been cancelled.

35 U.S.C. § 102(e)

Claim 1 has been amended to include the subject matter of claim 2. Claims 1, 2, 6, 8-14, 16, 20, 22, 23, 27, 29-33, 35, 39, 59 and 61-63 were rejected under 35 U.S.C. 102(e) as being anticipated by Bare (US Patent No. 6,556,541). Bare fails to teach at least one element of each of claims 1 as amended and therefore cannot anticipate any of these claims.

Bare does not teach at least “wherein a discovery, including that of a network topology, facilitates the network monitoring and type of undesirable behavior determination.” Bare discloses “monitoring of the packet data by switch control 3204” column 11, lines 42-44, that the “[s]witch control 3204 controls the ‘forwarding’ of received packets to appropriate locations within the switch for further processing and/or for transmission out another switch port,” column 12, lines 5-7, and the processing of particular types of situations such as a “received packet destined for an unknown destination address”, handling blocked ports, and processing when a source MAC address is received on a load balance port other than the load balance port it was programmed to transmit out of.” Column 12, lines 52-60. These examples of processing of packets at one switch in specific scenarios do not teach or suggest a “discovery, including that of a network topology” and furthermore more does not teach discovery of a network topology which “facilitates the network monitoring and type of undesirable behavior determination.” Therefore, claim 1 is patentable over Bare as are its dependent claims 3-7 and 9-21. Similarly, claim 22 has also been amended to include the subject matter of former claim 23 “wherein means for discovery, including that of a network topology, facilitates network monitoring and type of undesirable behavior determination.” Therefore, claim 22 and its dependent claims 24-36, 39-40 and 44 are patentable over Bare.

Various 35 U.S.C. 103(a) Rejections

In view of the arguments presented for the rejections against the independent amended claims 1 and 22, these claims are believed to be in form for a notice of allowance. Therefore, their dependent claims are believed to be allowable over the various 103(a) rejections asserted against them as well.

Conclusion

In light of the amendments presented above, pending claims 1, 3-7, 9-17, 20-22, 24-36, 39-40 and 44 as amended are in condition for allowance, and applicants respectfully request a notice of allowance.

Date:

August 7, 2006

Respectfully Submitted on Behalf of Applicant
Michael Burrows et al.

Eileen Lehmann

Eileen Lehmann
Registration No. 39,272
Hewlett-Packard Company
Mail Stop 1197
1501 Page Mill Road
Palo Alto, CA 94304
650-857-7940 (telephone)
650-852-8063 (fax)